

BY COUNCIL MEMBER MCPHAIL:

WHEREAS, the Michigan Liquor Control Commission (MLCC) has proposed new rules that regulate the activities within on-premises licensed establishments, including bars and clubs; and

WHEREAS, MLCC Administrative Rule R 436.1407 of the Commission's On-Premises Licenses Rules currently permits the MLCC to issue up to 12 daily temporary dance, entertainment, or dance entertainment permits to a licensee each calendar year upon written request of the licensee and approval of the chief law enforcement officer who has jurisdiction; and

WHEREAS, the MLCC has proposed Subrule (2) as an addition to R 436.1407 to permit the MLCC to issue up to twelve (12) daily temporary topless activity permits to a licensee each calendar year upon written request of the licensee, approval of the chief law enforcement officer who has jurisdiction, and approval of the local legislative body of the jurisdiction in which the premises are located; and

WHEREAS, the MLCC has proposed adding Administrative Rule R 436.1410 to require that an on-premises licensee meet the following conditions before topless activity would be permitted: a) have a valid permit issued by the Commission that would allow topless activity; b) ensure that any person performing any topless activity be on a stage not less than three (3) feet from the nearest patron at all times during a performance; and c) ensure that a person performing any topless activity not make physical contact with a patron and that the patron not make contact with the performer during the topless activity; and

WHEREAS, the City of Detroit has seven hundred twenty-three (723) on-premises establishments licensed by the MLCC, most of which are in close proximity to the City's residential living areas, and has approved amendments to Ordinance 390-G, the City's Zoning Ordinance, to restrict the location of adult entertainment establishments, including adult cabarets, in order to insure that the adverse effects of such uses will not contribute to the blighting or downgrading of the surrounding neighborhoods; and

WHEREAS, the City Council is highly concerned about the proposed amendment to the MLCC rule R 436.1407 to add Subrule (2) that would facilitate the issuance of daily temporary topless activity permits in establishments licensed by the MLCC in the City of Detroit; and

WHEREAS, the City Council understands that the MLCC held a public hearing on December 4, 2002 and voted in January 2003 to informally adopt the proposed changes that were then forwarded to the Department of Consumer and Industry Services, and which, if approved by the department, will then be forwarded to the Michigan Legislature Joint Committee on Administrative Rules;

NOW, THEREFORE, BE IT RESOLVED, that the Detroit City Council urges the Department of Consumer and Industry Services to reject the MLCC's recommendation for the addition of Subrule (2) to R 436.1407 Temporary Entertainment, Dance, or Dance Entertainment Permits; Approval, that would allow the MLCC to issue up to twelve (12) daily temporary topless activity permits to licensed on-premises operators, with the approval of the local legislative body and chief law enforcement officer; and

BE IT FURTHER RESOLVED, that the Detroit City Council urges the Governor of the State of Michigan and the Michigan State Legislature's Joint Committee on Administrative Rules to reject any further efforts for approval of proposed Subrule (2); and

BE IT FINALLY RESOLVED, that the City Clerk be instructed to send copies of this adopted resolution to Governor Jennifer Granholm, the Director of the Department of Consumer and Industry Services, the Michigan Liquor Control Commission, and the members of the Michigan State Legislature Joint Committee on Administrative Rules—State Representatives John Pappageorge (Chair), William Van Regenmorter, Stephen Ehardt, David Woodward, and John Gleason, and State Senators Michael Bishop (Alternate Chair), Ron Jelinek, Wayne Kuipers, Jim Barcia and Samuel Buzz Thomas III.

Approved \_\_\_\_\_